

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**250,000 filled bottles of liquid product, more or less,
of finished product, containing kratom, labeled in
part: "Botanic Tonics Feel Free Plant Based Herbal
Supplement",**

**1.5 tanks of liquid product, more or less, containing
kratom,**

**1,200 cartons of capsules, more or less, of kratom,
labeled in part: "Botanic Tonics Feel Free Plant
Based Herbal Supplement",**

**Undetermined quantities of bulk powder kratom,
labeled in part: "Green Nano",**

and

**All other quantities of the aforesaid articles of food
with any lot number and in any size or type container
that are labeled or otherwise appear to contain, or
are, kratom, located at 13105 East 61st Street, Suites
A&B Broken Arrow, Oklahoma 74012-1191.**

Defendant Articles.

Case No. 23-cv-168-JFH-CDL

WARRANT FOR ARREST IN REM

**TO: The United States Marshal for the Northern District of Oklahoma and/or any other Duly
Authorized Law Enforcement Officer**

**WHEREAS a Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed April
26, 2023, in the United States Northern District of Oklahoma, alleging that articles identified in
the above caption (the "defendant articles") are adulterated under the Federal Food, Drug, and**

Cosmetic Act (the “Act”), 21 U.S.C. § 301 *et seq.*, and subject to seizure, condemnation, and forfeiture to the United States of America pursuant to 21 U.S.C. § 334;

WHEREAS the Court is satisfied that, based on the Complaint, there is probable cause to believe that the defendant articles are adulterated under the Act, 21 U.S.C. § 342(f)(1)(B), and therefore subject to seizure, condemnation, and forfeiture to the United States pursuant to 21 U.S.C. § 334;

YOU ARE, THEREFORE, HEREBY COMMANDED, pursuant to Rule G(3)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure (the “Supplemental Rules”), to arrest and seize the defendant articles. You and other personnel that you deem necessary are specifically authorized by the Court to enter the premises known as 13105 East 61st Street, Suites A&B Broken Arrow, Oklahoma 74012-1191, so as to identify, inventory, and seize the defendant articles that are the subject of this action and use your discretion and whatever means appropriate to protect and maintain the defendant articles. You are authorized and directed to take all necessary actions, including, but not limited to, use of reasonable force to effectuate entry to the above-named premises, including the land and buildings located there.

The Deputies of the United States Marshals Service or any duly authorized law enforcement officer, at their discretion, shall be accompanied by federal, state, or local law enforcement officers to assist in the execution of this Warrant to Arrest *in Rem*.

YOU ARE FURTHER COMMANDED to serve a copy of this Warrant, together with the Complaint, on Botanic Tonics, LLC, 13105 East 61st Street, Suites A&B Broken Arrow, Oklahoma 74012-1191.

YOU ARE FURTHER COMMANDED, promptly after execution of this process, to file a Return of this Warrant to Arrest *in Rem* in this Court, identifying any individuals upon whom the Warrant was served and the manner employed.

NOTICE TO PERSONS SERVED WITH WARRANT:

This Warrant provides notice that, in order to avoid forfeiture of the defendant articles, any person claiming an interest in, or right against defendant articles, must file a claim, signed under penalty of perjury, identifying the specific defendant articles claimed, identifying the claimant, and stating the claimant's interest in the defendant articles in the matter set forth in Rule G(5) of the Supplemental Rules. This claim must be filed within 35 days after direct notice of the Complaint is sent under Supplemental Rule G(4)(b), or within 30 days after the final date of publication if direct notice was not sent under Supplemental Rule G(5)(a)(ii)(B), or within 60 days after process was executed on the property under Supplemental Rule G(3) if notice was not published or sent directly and the property was not in the government's possession, custody, or control under Supplemental Rule G(5)(a)(ii)(C)(2). In addition, any person having filed such a claim must also file an answer to the Complaint within 21 days after the filing of the claim. The claimant shall file the claim and answer with the Office of the Clerk at United States District Court for the Northern District of Oklahoma, 333 West 4th Street #411, Tulsa, Oklahoma 74103. Copies of the claim and answer are to be sent to Assistant United States Attorney Kristin Harrington at 110 West 7th Street, Suites 300, Tulsa, Oklahoma 74119. Failure to follow this procedure may result in the entry of a default judgment.

ISSUED this 26th day of April, 2023 at 5:23 p.m.



CHRISTINE D. LITTLE
UNITED STATES MAGISTRATE JUDGE